IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

Crl.MC.No. 3014 of 2007()

CC.1200/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHALAKUDY

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PETITIONER: 1ST ACCUSED

JOBI JOSEPH.N., S/O.N.T.JOSEPH,
NAYATHODAN HOUSE, THURUTHIPARAMBU P.O.KOTTAT,
CHALAKKUDI.

BY ADV. SRI.B.PREMNATH (E)
SRI.SHAJI SEBASTIAN

RESPONDENTS: COMPLAINANT

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1. FOOD INSPECTOR,
CHALAKUDY MUNICIPALITY.

2. STATE OF KERALA, REPRESENTED BY THE
S.H.O. CHALAKUDY TOWN POLICE STATION
(REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM).

BY P.P. SRI. JIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3014 of 2007

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Dated this the 28th day of September, 2007

O R D E R

The petitioner is the first accused in a prosecution under the provisions of the Prevention of Food Adulteration Act. The trial was over. The matter stood posted for judgment. At that stage the petitioner, in the interests of his career prospects, had to leave India to his place of employment abroad. The petitioner is the licensee/salesman. A plea of warrantee was taken. The learned Magistrate has pronounced the judgment. The warrantor has been convicted. The petitioner in these circumstances assumes that he is also entitled for an acquittal. The other partners of the firm have also been acquitted. But the judgment has not been pronounced so far, in so far as the petitioner is concerned. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing him. The petitioner is at present employed abroad. He shall reach India on 3.10.2007. He is willing to surrender before the learned Magistrate and seek bail. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. In these circumstances it is prayed that

appropriate directions may be issued to the learned Magistrate to release the petitioner on bail on the date of surrender itself.

2. I am satisfied in the facts and circumstances of this case that the petitioner can be directed to appear before the learned Magistrate. The learned Magistrate must proceed to consider the petitioner's application for bail to be filed by him on merits in accordance with law and expeditiously - on the date of surrender itself. The learned Magistrate must thereafter proceed to pass the judgment in the case also, as expeditiously as possible.

(R. BASANT)
Judge

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